

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

KAJEET, INC.,

Plaintiff,

v.

TREND MICRO INC.,

Defendant.

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Case No. 6:21-cv-389-ADA

JURY TRIAL DEMANDED

NOTICE OF [PROPOSED] SCHEDULING ORDER

Pursuant to the Order Governing Patent Proceedings – Patent Case, Plaintiff KAJEET, INC. and Defendant TREND MICRO, INC. hereby provide the following Notice of [Proposed] Scheduling Order:

Deadline	Item
July 19, 2021	Plaintiff serves preliminary ¹ infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (<i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of the court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

Deadline	Item
July 26, 2021	Case Management Conference
August 9, 2021	The Parties shall submit an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of each Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
September 13, 2021	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
September 27, 2021	Parties exchange claim terms for construction.
October 11, 2021	Parties exchange proposed claim constructions.
October 18, 2021	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. ² With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.

² Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

Deadline	Item
October 25, 2021	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
November 5, 2021	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
December 3, 2021	Plaintiff files Responsive claim construction brief.
December 17, 2021	Defendant files Reply claim construction brief.
January 10, 2022	Plaintiff files Sur-Reply claim construction brief.
January 13, 2022	Parties submit Joint Claim Construction Statement. <i>See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).</i>
January 17, 2022	Parties submit optional technical tutorials to the Court and technical adviser (if appointed). ³
January 24, 2022	<i>Markman</i> Hearing, at Court's discretion

August 20, 2021

Respectfully Submitted,

/s/ Corby R. Vowell

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³ The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

/s/ Katherine P. Chiarello

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***Attorneys for Defendant Trend Micro
Incorporated***

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on August 20, 2021, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

/s/ Corby R. Vowell
Corby R. Vowell